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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,184	04/17/2006	Nobuyuki Takakuwa	8048-1134	1713

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EXAMINER	
RUTLEDGE, AMELIA L	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,184	TAKAKUWA ET AL.	
	Examiner	Art Unit	
	AMELIA RUTLEDGE	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: Amendment, filed 09/01/2009; RCE, filed 09/01/2009.

2. Claims 1-17 are pending. Claims 1 and 8-17 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/01/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama, U.S. Patent No. 4,680,647, issued July 1987, in view of Osborne et al. ("Osborne"), U.S. Patent No. 6,915,012 B2, issued July 2005.

Regarding independent 1, Moriyama teaches *an information record medium comprising: still picture information which includes at least one still picture*; because Moriyama teaches a method for recording a video format signal for still picture and audio (Figs. 22; 31; 33; col. 6, l. 1-45). Moriyama teaches a recording medium which is a video disc, as well as other formats (col. 49, l. 14-58).

Moriyama teaches *audio information; reproduction control information which reproduces the audio information simultaneously with reproduction of the still picture information*, because Moriyama teaches control signals for simultaneous audio with reproduction of the still image information (col. 4, l. 45-col. 6, l. 45; col. 10, l. 15-57). See col. 5, l. 12-31.

Moriyama teaches *wherein the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information*, because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Moriyama teaches wherein the audio repeat information indicates whether or not to repeatedly reproduce the same audio information (col. 49, l. 27-58), because Moriyama teaches switching between successive and unsuccessive reproduction.

Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

Moriyama does not explicitly teach *wherein, the audio information has a beginning and an end, the repeat reproduction of the same audio information is the repeated reproduction of the audio information through the end of the audio information consecutively followed by the further reproduction of the audio information from the beginning of the audio information so that the repeated reproduction of the same audio information is continued during the reproduction of the still picture information resulting in a total reproduction time of the repeat reproduction of the audio information that is equal to a total reproduction time of the still picture information*, however, Osborne teaches a method of embedding random data in a JPEG file, i.e., a still picture (col. 1, l. 46-col. 2, l. 36; col. 3, l. 5-col. 4, l. 3). Osborne explicitly teaches setting a start time of an audio file associated with the picture, and a loop count, which will determine how many times the audio will loop in conjunction with the image; if set to zero, the audio will loop continuously (Table 3, "Loop Count"). Osborne teaches that multiple images may be stored and played at specific times to coincide with the audio playback (col. 13, l. 1-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the recording method disclosed by Moriyama, with the "Loop Count" feature disclosed by Osborne, because Osborne disclosed a method for removing marker codes from application data while the data is stored in a JPEG file and

for returning the data to its original state for use with an application program (col. 2, l. 7-19), such as the program disclosed by Moriyama.

Further, it would have been obvious to modify Moriyama to add a "Loop Count" feature, since Moriyama disclosed that audio segments could be added to a still image with a small buffer memory in the reproducing system through successive reproduction (col. 49, l. 26-40), and it would have been obvious to combine the known prior art methods of successive reproduction for audio (Moriyama), and setting how may times the audio file would loop (Osborne), in order to achieve predictable results (KSR).

Regarding dependent claim 2, Moriyama teaches *wherein the reproduction control information includes still picture repeat information for controlling the repeat reproduction of the still picture information*, because Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Regarding dependent claim 3, Moriyama teaches wherein the reproduction control information defines reproduction timing of the audio information with using a reproduction time axis of the still picture as reference (col. 11, l. 33-col. 12, l. 64).

Regarding dependent claim 4, Moriyama teaches *wherein the reproduction control information is defined such that the audio information is reproduced only during reproduction of the still picture*, because Moriyama teaches adding several types of

audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

Regarding dependent claim 5, Moriyama teaches wherein the audio repeat information indicates whether or not to repeatedly reproduce the same audio information (col. 49, l. 27-58), because Moriyama teaches switching between successive and unsuccessive reproduction. Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

Regarding dependent claim 6, Moriyama teaches *wherein the still picture repeat information indicates whether or not to repeatedly reproduce the still picture information*, because Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Regarding dependent claim 7, Moriyama teaches *wherein each piece of the still picture information is constructed by an item unit defining a reproduction sequence of still picture contents, and wherein the still picture repeat information includes continue information indicating whether or not to reproduce subsequent still picture information as one reproduction sequence*, because Moriyama teaches dividing the video format signal into a plurality of blocks for synchronization, and inserting control codes into the blocks indicating whether or not to reproduce subsequent still picture and audio information as one reproduction sequence (col. 38, l. 11-col. 39, l. 58).

Regarding independent claims 8 and 9, claims 8 and 9 are directed to the apparatus and method related to and substantially similar to the information record medium of claim 1, and are rejected along the same rationale.

Regarding independent claim 10, Moriyama teaches *an information reproduction apparatus for reproducing an information record medium comprising: still picture information which includes at least one still picture*; because Moriyama teaches a method for recording a video format signal for still picture and audio (Figs. 22; 31; 33; col. 6, l. 1-45). Moriyama teaches a recording medium which is a video disc, as well as an apparatus (col. 49, l. 14-58).

Moriyama teaches *audio information; reproduction control information which reproduces the audio information simultaneously with reproduction of the still picture information*, because Moriyama teaches control signals for synchronizing audio with reproduction of the still image information (col. 4, l. 45-col. 6, l. 45; col. 10, l. 15-57). Moriyama teaches *the reproduction control information including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information*; because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39). Moriyama teaches wherein the audio repeat information indicates whether or not to repeatedly reproduce the same audio information (col. 49, l. 27-58), because Moriyama

teaches switching between successive and unsuccessive reproduction. Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

Moriyama teaches *the apparatus comprising: a reading unit which reads the still picture information, the audio information and the reproduction control information from the information record medium; a still picture reproduction unit which reproduces the still picture information; and an audio reproduction unit which reproduces the audio information in simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information* (see Figs. 1, 11, 15; col. 1, l. 65-col. 2, l. 31). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Moriyama teaches *wherein the still picture information has a total reproduction time*, because Moriyama teaches successive reproduction of still images (col. 49, l. 25-40).

Moriyama does not explicitly teach *wherein, the audio information has a beginning and an end, the repeat reproduction of the same audio information is the repeated reproduction of the audio information through the end of the audio information consecutively followed by the further reproduction of the audio information from the beginning of the audio information so that the repeated reproduction of the same audio information is continued during the reproduction of the still picture information resulting*

in a total reproduction time of the repeat reproduction of the audio information that is equal to a total reproduction time of the still picture information, however, Osborne teaches a method of embedding random data in a JPEG file, i.e., a still picture (col. 1, l. 46-col. 2, l. 36; col. 3, l. 5-col. 4, l. 3). Osborne explicitly teaches setting a start time of an audio file associated with the picture, and a loop count, which will determine how many times the audio will loop in conjunction with the image; if set to zero, the audio will loop continuously (Table 3, "Loop Count"). Osborne teaches that multiple images may be stored and played at specific times to coincide with the audio playback (col. 13, l. 1-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the recording method disclosed by Moriyama, with the "Loop Count" feature disclosed by Osborne, because Osborne disclosed a method for removing marker codes from application data while the data is stored in a JPEG file and for returning the data to its original state for use with an application program (col. 2, l. 7-19), such as the program disclosed by Moriyama.

Further, it would have been obvious to modify Moriyama to add a "Loop Count" feature, since Moriyama disclosed that audio segments could be added to a still image with a small buffer memory in the reproducing system through successive reproduction (col. 49, l. 26-40), and it would have been obvious to combine the known prior art methods of successive reproduction for audio (Moriyama), and setting how may times the audio file would loop (Osborne), in order to achieve predictable results (KSR).

Regarding independent claim 11, claim 11 is directed to the information reproduction method substantially similar to the apparatus of independent claim 10, and is rejected along the same rationale.

Regarding independent claim 12, Moriyama teaches *an information record reproduction apparatus comprising an information record unit and an information reproduction unit, wherein the information record unit includes: a first record unit which records still picture information including at least one still picture and audio information*; because Moriyama teaches a method for recording a video format signal for still picture and audio (Figs. 22; 31; 33; col. 6, l. 1-45). Moriyama teaches a recording medium which is a video disc, as well as an apparatus (col. 49, l. 14-58).

Moriyama teaches *a second record unit which records reproduction control information for reproducing the audio information in simultaneously with reproduction of the still picture information*, because Moriyama teaches control signals for synchronizing audio with reproduction of the still image information (col. 4, l. 45-col. 6, l. 45; col. 10, l. 15-57).

Moriyama teaches *wherein the second record unit records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information*, because Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in

response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Moriyama teaches wherein the audio repeat information indicates whether or not to repeatedly reproduce the same audio information (col. 49, l. 27-58), because Moriyama teaches switching between successive and unsuccessive reproduction. Moriyama teaches adding several types of audio to a still image recording, in order to add selection of recordings of audio information (col. 6, l. 9-51).

Moriyama teaches *wherein the information reproduction unit includes: a reading unit which reads the still picture information, the audio information and the reproduction control information from the information record medium; a still picture reproduction unit which reproduces the still picture information; and an audio reproduction unit which reproduces the audio information simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information* (see Figs. 1, 11, 15; col. 1, l. 65-col. 2, l. 31). Moriyama teaches successive reproduction for audio data and still image mode (col. 5, l. 5-68; col. 43, l. 10-67), or reproduction in response to a control signal supplied from an external source (col. 39, l. 46-col. 40, l. 39).

Moriyama teaches *wherein the still picture information has a total reproduction time*, because Moriyama teaches successive reproduction of still images (col. 49, l. 25-40).

Moriyama does not explicitly teach *wherein, the audio information has a beginning and an end, the repeat reproduction of the same audio information is the*

repeated reproduction of the audio information through the end of the audio information consecutively followed by the further reproduction of the audio information from the beginning of the audio information so that the repeated reproduction of the same audio information is continued during the reproduction of the still picture information resulting in a total reproduction time of the repeat reproduction of the audio information that is equal to a total reproduction time of the still picture information, however, Osborne teaches a method of embedding random data in a JPEG file, i.e., a still picture (col. 1, l. 46-col. 2, l. 36; col. 3, l. 5-col. 4, l. 3). Osborne explicitly teaches setting a start time of an audio file associated with the picture, and a loop count, which will determine how many times the audio will loop in conjunction with the image; if set to zero, the audio will loop continuously (Table 3, "Loop Count"). Osborne teaches that multiple images may be stored and played at specific times to coincide with the audio playback (col. 13, l. 1-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the recording method disclosed by Moriyama, with the "Loop Count" feature disclosed by Osborne, because Osborne disclosed a method for removing marker codes from application data while the data is stored in a JPEG file and for returning the data to its original state for use with an application program (col. 2, l. 7-19), such as the program disclosed by Moriyama.

Further, it would have been obvious to modify Moriyama to add a "Loop Count" feature, since Moriyama disclosed that audio segments could be added to a still image with a small buffer memory in the reproducing system through successive reproduction

(col. 49, l. 26-40), and it would have been obvious to combine the known prior art methods of successive reproduction for audio (Moriyama), and setting how may times the audio file would loop (Osborne), in order to achieve predictable results (KSR).

Regarding independent claim 13, claim 13 is directed to the method to be implemented with the apparatus of independent claim 12, and is rejected along the same rationale.

Regarding independent claim 14, claim 14 is directed to the computer program executed on a computer which is substantially similar to the apparatus claimed in independent claim 12, and is rejected along the same rationale.

Regarding independent claim 15, claim 15 is directed to the computer program which is related to the apparatus of independent claim 10, and is rejected along the same rationale.

Regarding independent claim 16, claim 16 is directed to the computer program executed on a computer, which is substantially similar to the apparatus claimed in independent claim 12, and is rejected along the same rationale.

Regarding independent claim 17, claim 17 is directed to the data structure comprising a control signal to be used with the information record medium as claimed in claim 1, and is rejected along the same rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection, the Osborne patent, is relied upon to teach the newly claimed limitations of independent claims 1 and 8-17, ... *wherein, the audio information has a beginning and an end, the repeat reproduction of the same audio information is the repeated reproduction of the audio information through the end of the audio information consecutively followed by the further reproduction of the audio information from the beginning of the audio information so that the repeated reproduction of the same audio information is continued during the reproduction of the still picture information resulting in a total reproduction time of the repeat reproduction of the audio information that is equal to a total reproduction time of the still picture information* (claim 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/
Primary Examiner, Art Unit 2176